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BLANKET REFERENCE AS A FORM OF INTER-BRANCH LINKAGE OF CRIMINAL LAW

The article is devoted to research of blanket reference as one of the primary forms of inter-branch linkage by construction of criminal law.

Complexity of blanket reference method fosters different comprehension of the notion «blanket disposition» (or a norm), and the absence of the unified criteria of their definition. However, despite the numerous points of view concerning this issue, the present scientific ideas in respect to the criteria of considering these norms as the blanket ones, it is proposed to divide them in several groups. To the first group, it is necessary to classify those scholars who consider as blanket norms only those norms which disposition presupposes liability for breach of some special rules (traffic, protection of labour). To the second group refer those scientists who consider as blanket ones those norms which comprise the disposition with formal indicators, namely the following words and collocations: «legislation», «law», «duty», «illegal», «prohibited» etc. This method of definition of blanket norms by the «indicating words» was introduced by N.V. Belyayeva. The third group might include the scientists who consider as blanket ones those norms besides the aforementioned two categories that operate the terms which content is impossible to define without referring

to the provisions of the other branches, to describe separate features of corpus delicti.

Various scientific opinions concerning the form of reference in the disposition of a criminal norm to provisions of other branches of law are pointed out: direct and indirect (hidden, latent). The author concludes that blanket features might be comprised in any part of the criminal norm structure: in a hypothesis, disposition or sanction. To researcher's mind, opposite to another way of fixing of inter-branch linkage – application of the terms of other branches, the primary feature of blanket reference is compulsory reference to provisions of the other branches of law for particularization of the content of a criminal norm.

The opinion that those criminal norms are blanket ones are based on the following:

1) they prescribe responsibility for breach of some special rules; 2) they contain «formal indicators», the words and collocations that indicate a breach of provisions the regulating legislation, namely: «legislation», «law», «duty», «illegal», «prohibited», «unlawful», «without special permission», «without state registration» etc. 3) they comprise one or several features that cannot be explored without reference to the norms of other branches of law.